

HAKEEM SULTAANA,	:	CASE NO. 1:18CV67
	:	
Plaintiff,	:	
	:	
vs.	:	OPINON & ORDER
	:	
ERIKA CUNLIFFE, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

*Pro se* Plaintiff Hakeem Sultaana filed an appeal of this Court’s judgment dismissing his claims to the Sixth Circuit Court of Appeals. On November 21, 2018, the Sixth affirmed this Court’s judgment. The plaintiff has filed in the Sixth Circuit a pending motion for rehearing *en banc*. See *Hakeem Sultaana v. Erika Cunliffe, et al.*, No. 18-3460 (6<sup>th</sup> Cir.).

The plaintiff also filed two motions in this Court after he filed his Notice of Appeal: “An Emergency Motion to Take Judicial Notice of Corruption of Removing and Replacing Documents Attachments from Sultaana’s Complaint” (Doc. No. 40), and a “Motion for Relief of Judgment for Fraud pursuant to Federal Rule 60(B)(3)” (Doc. No. 42).

Both of these motions are denied for lack of jurisdiction. It is “settled law that filing a notice of appeal with the district court divests the district court of jurisdiction to act in a case, except on remedial matters unrelated to the merits of the appeal.” *U.S. v. Smith*, No. 5: 06 CR 310, 2007 WL 4189469, at \* 2 (N.D. Ohio Nov. 19, 2007), quoting *Fort Gratiot Sanitary Landfill, Inc. v. Mich. Dep’t of Natural Res.*, 71 F.3d 1197, 1203 (6th Cir. 1995).

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Gwin, J.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Dated: January 14, 2019

s/ *James S. Gwin*  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE